

# CITY OF FALLS CHURCH

<b>Meeting Date:</b>  11-8-10 Revised 11-9-10	<b>Title:</b> <b>(TO10-15)</b> An Ordinance to Amend the Official Zoning District Map of the City of Falls Church, Virginia, by Rezoning Approximately 2.6 Acres of Land from T-2, Transitional District to B-1, Limited Business District for the property at 500, 510 & 520 North Washington Street, Real Property Code Number 53-101-070 by Falls Church Gateway, LLC.  <b>Title:</b> <b>(TR10-34)</b> A Resolution to Grant a Special Exception for Residential Use within a Mixed Use Development and Height Bonus for a Office/Commercial Building on the Approximately 2.6 Acres Site at 500, 510 & 520 North Washington Street, Real Property Code Number 53-101-070, for a Mixed Use Development know as the "Falls Church Gateway" by Falls Church Gateway, LLC.	<b>Agenda No.:</b>  10 (b) (1) (TO10-15)  10 (b) (2) (TR10-34)
<b>Proposed Motions:</b> 1. MOVE First Reading of TO10-15) Ordinance for a rezoning from T-2 to B-1 for 500, 510 & 520 N. Washington Street (RPC 53-101-070), and refer to Boards and Commissions listed.  2. MOVE that (TR10-34) Resolution granting a special exception for a residential use within a mixed-use development project at 500, 510 & 520 N. Washington Street, (RPC 53-101-070), be referred to Boards and Commissions listed. <b>Board and Commission Referrals:</b> Planning Commission; Architectural Advisory Board (AAB), Economic Development Authority (EDA), Housing Commission, Falls Church Chamber of Commerce, Environmental Services Council (ESC), Citizens' Advisory Committee on Transportation (CACT); and Tree Commission.		
<b>Originating Dept. Head:</b> Cindy Mester 703.248.5042 <b>CLM 11-3-10</b> Acting GM for Development Services Gary H. Fuller, AICP, Principal Planner <b>GHF</b>	<b>Disposition by Council:</b>	
<b>City Manager:</b> Wyatt Shields 703.248.5004 <b>FWS 11-3-10</b>	<b>City Attorney:</b> John Foster 703.248.5010 <b>JEF 11-3-10</b>	<b>Acting CFO:</b> Melissa Ryman, Acting CFO 703.248.5120 <b>MCR 11-3-10</b>

4 **REQUEST:**

5 The applicant Akridge is proposing a **mixed-use redevelopment project** at  
6 500, 510 & 520 N. Washington Street to develop the *Falls Church Gateway*  
7 project. The project would include:

- 8 • One, Class A, 5-story, **Office Building** (Building A) - 71,002 square  
9 feet with 12,270 square feet of first floor commercial.
- 10 • One, 5-story, **Residential Building** (Building B) – 200 multi-family  
11 units with 5,083 square feet of commercial on the first floor.

12  
13 The proposed project would require the following **land use actions**:

- 14  
15 • Zoning Map Amendment (Rezoning) from T-2, Transitional to B-1,  
16 Limited Business for 2.6 acres
- 17 • Special Exception (Residential uses in Mixed-Use Development)
- 18 • Special Exception (Office/Commercial Building - Height Bonus – 18  
19 feet)

20  
21 **RECOMMENDATION:**

22 Staff recommends that the City Council give first reading to the rezoning  
23 ordinance (TO10-15) and formally refer the special exception resolutions  
24 (TR10-34) to boards and commissions as part of the public review process for  
25 the proposed *Falls Church Gateway* (Gateway) development review.

26  
27 The staff recommendation is to initiate formal consideration of this mixed-use  
28 development application for the *Gateway* for a combined rezoning and special  
29 exceptions process that would involve review by city boards and commissions  
30 including mandatory recommendations from the Planning Commission. A  
31 concurrent staff review of the latest updates to the *Voluntary Concessions*,  
32 *Community Benefit, Terms and Conditions* dated November 2, 2010 and  
33 pending revised traffic and parking studies would occur between now and  
34 second reading on the rezoning Ordinance (TO10-15) and the scheduled  
35 public hearing on the special exceptions (TR10-34) on January 24, 2011. The  
36 developer is revising the traffic and parking studies in support of the  
37 application reflecting the recently, revised development program for the  
38 proposed *Gateway* project and plans, dated October 15, 2010.

39  
40 **BACKGROUND:**

- 41 • **Applicant** –Akridge (Falls Church Gateway, LLC) is the developer and is  
42 based in Washington D.C. Contact: Mike Gill, Development Manager.
- 43 • **Site** – The site is approximately 2.6 acres in size and zoned T-2,  
44 Transitional, which allows office, but not residential or retail, which are  
45 proposed with this project. This site currently contains three office  
46 buildings built in 1984 totaling approximately 64,313 square feet. Under  
47 the proposal the site would be redeveloped at over four times the current  
48 density.

- 49 • **Proposed Project** – The *Gateway* project would include 71,002 square  
50 feet of new Class A office space (Building A) with 12,270 square feet of  
51 first floor commercial, a 200 multi-family unit residential building  
52 (Building B) with an additional 5,083 square feet of commercial on the  
53 first floor. The commercial totals 88,355 square feet with 193,764 square  
54 feet of residential, a mixed-use ratio of 31 percent commercial and 69  
55 percent residential.
- 56 • **Rezoning** – A rezoning from T-2, Transitional District, to B-1, Limited  
57 Business District, is a pre-requisite for the two requested special  
58 exceptions required to accommodate this development.
- 59 • **Special Exception (Residential use within a mixed-use development  
60 project)** – The special exception for residential uses in a mixed-use  
61 development project is required in order allow residential development to  
62 occur on commercial B-1, Limited Business zoned property. The  
63 proposed project has a total of 200 multi-family residential units proposed  
64 along with the new Class A office building and ground floor commercial  
65 on (to-be rezoned from T-2, Transitional) B-1, Limited Business District,  
66 property.
- 67 • **Special Exception (Height)** – The proposed project includes a new  
68 office/commercial building that would require a special exception for  
69 height. The height special exception allows for building height to exceed  
70 the maximum 55 feet or 4-story height permitted in the B-1 Limited  
71 Business District by up to 30 feet. This special exception would be to  
72 accommodate the five-story office building at its proposed height of 73  
73 feet or an 18 foot bonus in height. This office building would include an  
74 approximate 20-foot high first floor and four 13-foot floors above. The  
75 other residential building (Building B) in the development would not  
76 exceed the maximum 55-foot height limit of the B-1 District.

77  
78 This application was first submitted in July 2007 and numerous worksessions  
79 with the Council and Planning Commission have been held. The application  
80 has been modified in response to many of the issues raised by the City  
81 Council, Planning Commission, neighbors and staff. The latest revised  
82 application, plans, and building architecture, are provided in the Falls Church  
83 **Gateway Special Exception Package, Part 1 of 2 and Part 2 of 2**, dated  
84 October 15, 2010 and included as (Attachments 1 and 2).. Additional support  
85 material are included with the application package that include Falls Church  
86 Gateway – Project Timeline (Attachment 3); Revised Parking Tabulations  
87 (Attachment 4) and Falls Church Gateway – September 23, 2009 Meeting  
88 Notes (Gresham Place Association) (Attachment 5).

89  
90 **Special Exception Package (Part 1 of 2) (Attachment 1)**

- 91 • Zoning Map Amendment (Rezoning)
- 92 • Special Exception (Residential Use within a Mixed-Use Development  
93 Project)
- 94 • Special Exception (Height Bonus)

95

96 **Special Exception Package** (Part 2 of 2) (Attachment 2)

- 97 • Development Summary  
98 • General Site Plan  
99 • Architectural Plans/.Elevations  
100 • Other drawings

101

102 **Special Exception Package** (Correspondence) (Attachments 3, 4 & 5)

- 103 • Falls Church Gateway – Project Timeline  
104 • Revised Parking Tabulations  
105 • Falls Church Gateway – September 23, 2009 Meeting Notes (Gresham Pl.)

106

107 Recently a joint worksession of the City Council and Planning Commission  
108 was held on October 4, 2010 and a subsequent presentation and update of the  
109 project changes and latest *Voluntary Concessions, Community Benefits, Terms*  
110 *and Conditions* followed by another joint worksession on October 25, 2010.  
111 The *Voluntary Concessions, Community Benefits, Terms and Conditions* have  
112 been under weekly review and discussion for the past several months by the  
113 City Council's Economic Development Committee (EDC) and has resulted in  
114 numerous revisions and updates by the developer and staff that have resulted  
115 in the *Voluntary Concessions and Community Benefits, Terms and Conditions*  
116 dated November 2, 2010 that are currently offered by the developer  
117 (Attachment 6).

118

119 The October, 15, 2010 application revisions and changes to the proposed  
120 conceptual development project plans and the revised *Voluntary Concessions,*  
121 *Community Benefits, Terms and Conditions*, dated November 2, 2010 reflect  
122 the following changes and updates from the previous July 9, 2010 submission:

123

124 **Specific Changes:**

- 125 • **Increased ADU Cash Contribution/Offered Units** – increased cash  
126 contribution from \$829,859 to \$1,300,000 or eight (8) ADU's or  
127 combination. The number of ADU's have changed from a possible 13 to 8  
128 units. The decision on units or cash or combination, is to be made by the  
129 City prior to final site plan approval.
- 130 • **Increase of Commercial Space** – added 2,500 square feet of commercial  
131 space to the first floor of Residential building (Building B) while reducing  
132 10 parking spaces to accommodate the additional commercial space
- 133 • **Street Level Retail Uses for N. Washington Street** – The Developer  
134 agreed to reserve a minimum portion of the street level commercial  
135 frontage for "Retail" with a minimum of 4,000 square feet in the Office  
136 building (Building A) and 2,000 square feet in Residential building  
137 (Building B).
- 138 • **Condo Multi-family Residential Ownership Structure** – the 200  
139 residential multi-family units will be recorded in the land records as

deeded individual condominiums under an overall condominium regime, while the units can either be sold or rented.

- **Commercial Completion Guarantee in Project Phasing** – Office Building must be built-out with the minimum of a core and shell occupancy permit issued before any certificate of occupancy is issued for the first residential unit.
- **Open Public Parking** – allow below-grade garage parking open to the public during off-hour times. Example: evenings and weekends when office use is minimal.

Overall Project Changes:

- **Increase in First Floor Commercial/retail** uses by 14 percent or 2,500 square feet (from 14,853 square feet to 17,353 square feet).
- **Increased Ratio of Commercial Space** to 31 percent to 69 percent commercial/residential (versus 30 to 70 percent previously).
- **Increased Cash Contributions by \$565,341** in one-time community benefits to the city, since the *Voluntary Concessions, Community Benefits, Terms and Conditions*, dated April 10, 2010
- **Increase in Annual Net Revenues** anticipated at \$100,000+ for condominium regime vs rental apartments and the 2,500 square feet of additional first floor revenue generating commercial space.

An analysis of the proposed mixed-use redevelopment project and its conformance with the Rezoning and Special Exception criteria follows:

**Rezoning Process Overview**

The City Code under Section 48-85, Power to Amend, sets forth the procedures for amending, supplementing and changing the Zoning Ordinance and Official Map or rezoning. One form of change is amending the zoning district map. Specifically, two forms of amendments are provided for:

1. A change in the official zoning district map (zoning district designation/use change) that represents an unrestricted rezoning.
- or
2. Conditional zoning - as part of the petition to amend the official zoning district map, reasonable conditions governing the use of the property may be proffered voluntarily by the property owner in order to mitigate impacts or limit uses. Such conditions are in addition to the regulations provided for a particular zoning district. Generally the conditions proffered must be related to the rezoning itself and be in accord with the comprehensive plan. Once proffered and accepted as part of an amendment to the official zoning district map, such conditions shall continue in effect indefinitely, unless a subsequent amendment changes the zoning of the property covered by such conditions.

The developer has applied for a rezoning action that would change the zoning map to be processed as part of the requested special exceptions for the Gateway project. The zoning district map amendment would be coupled with special exception conditions, terms and voluntary concessions tied to the approval. The developer has provided voluntary concessions, community benefits, terms and conditions related to the development proposal, along with a conceptual development plan and architectural elevations in support of its application under a combined rezoning and special exception application and process. This combined conditional zoning and special exception process provides flexibility, additional evaluation criteria and a connection between the voluntary concessions and the impact of the project.

These voluntary concessions and conceptual plans for the development of the subject property offered by an applicant provide limits or qualifies how the property in question will be used or developed. These voluntary concessions are made under the terms of rezoning and in this case coupled with a special exception, to lessen the possible negative effects of a straight unrestricted rezoning. Upon approval, the conditions become part of the rezoning and run with the land, remaining in effect even if the property is sold. To change the use or voluntary concessions approved under the rezoning and special exception the same legislative rezoning process must be repeated to make any changes.

The rezoning process itself requires two readings, a mandatory Planning Commission recommendation, public hearings at the Planning Commission and City Council and final legislative action on the Ordinance. The ordinance is advertised in a local newspaper of general circulation, property posted and adjacent property owners are notified by mail as part of the legal public notice requirements.

#### **Special Exception Process Overview**

The City Charter (Chapter 17 of the City Code) and pursuant to the State Code, the City Council may provide for a special Exception process to permit exceptions from the regulations and restrictions of zoning districts in the city. The current city code provides for a special exception process within only the three business zoning districts – B-1, Limited Business, B-2, Central Business and B-3, General Business. The three business districts allow the following types of special exceptions:

- Residential development within mixed use projects (B-1, B-2 & B-3)
- Height bonus (Up to 30' in B-1/B-3 districts; Up to 40' in the B-2 district)
- Single story development when minimum two-story development is required (B-2)

The special exception gives the City Council the flexibility to approve a project based on the individual characteristics of the proposed development,

weighing its community benefits and impacts by evaluating a series of primary and secondary criteria. The primary criteria are critical to consideration of a special exception and must be met by all projects seeking approval. The secondary criteria, while discretionary in nature, include a focused review of the project's scorecard with respect to meeting specific goals.

The City Council may accept voluntary concessions in the approval of a special exception or rezoning to ensure that the proposed development is compatible with the community, mitigates impacts, and provides appropriate community benefits. These concessions continue with the property in the event of sale or change in ownership. These conditions may address transportation or traffic issues, urban design, streetscape, school capital costs or transit contributions, landscaping open space dedication, parking demand management, affordable housing, mix of uses, permit timing, emergency equipment access, state and federal approval issues, and a wide variety of site specific issues. There must be a connection between the concessions and the impacts of the project itself. Conditions generally include adherence to the voluntary concessions and development in accordance with a conceptual/preliminary site plan.

The procedure for a special exception starts with the applicant submitting the required documentation to the Planning Director. Sometimes a special exception application accompanies a rezoning application. There may also be more than one special exception application for a project, for example a concurrent request for both a residential development within a mixed use project and a height bonus, as is the case with the Falls Church Gateway application.

Staff circulates and reviews the application(s) and works with the applicant to revise the application, as appropriate, to bring forward for City Council and Planning Commission review a complete application. Worksessions and staff meetings will be scheduled so that the City Council and Planning Commission may review the application and have a higher level of confidence that the proposed project is viable and the potential issues with the project design surface early in the process, before site plan review. Also included is a review of voluntary concessions submitted by the applicant in support of the project. Staff prepares an analysis of the special exception review criteria, including a fiscal impact assessment and review of voluntary concessions for use by the City Council, Planning Commission and various board and commission in their deliberations on the proposed project.

A special exception requires a public hearing before both the Planning Commission (for recommendation) and City Council (for approval). The City often conducts a work session before the City Council (or joint worksession with the Planning Commission) followed by a first reading of the companion rezoning (Ordinance) and/or formal referral of the special exception

application (Resolution) to interested citizen boards and commissions and community organizations, as appropriate for their review and recommendation to City Council. The special exception resolution review and approval does not require first and second readings, unlike ordinances or rezonings. Because a special exception often accompanies a rezoning action, the city generally carries them forward together through the first and second reading process. The City Council takes final action on the special exception request, in the form of a resolution at a formal advertised public hearing. If the proposed project is approved, then the applicant can proceed with the development process to obtain site plan approval through the Planning Commission and to subsequently obtain building permits.

The comprehensive plan compatibility followed by the special exception primary and secondary criteria are the key evaluation criteria for the special exception and an annotated staff review follows:

#### **Comprehensive Plan/Design Guidelines**

The proposed Gateway mixed-use project conforms to the City's Adopted Comprehensive Plan in key areas and the development and architectural conceptual plans propose unique and attractive design elements. The envisioned "*Mixed-Use*" future land use designation is characterized as "*an innovative and integrated approach to a mixture of residential, retail, and office commercial uses.*" The Comprehensive Plan Future Land Use Map designation is "Mixed use" for the subject property and supports the proposed development and conceptual plan.

For further information see the detailed Comprehensive Plan analysis by planning staff that describes the proposed Gateway project's compatibility with the city's adopted comprehensive plan and related community development policies and objectives (Attachment 7).

#### **Special Exception - Residential Use within a Mixed Use Development Project**

##### **Primary Criteria:**

- 1. The resulting development conforms with the city's adopted comprehensive plan and design guidelines.** The adopted comprehensive plan future land use map designation for this property is "mixed-use." The plan describes the "mixed-use" category as "an innovative and integrated approach to a mixture of residential, retail, and office commercial uses." The proposed mixed-use project generally conforms to the city's comprehensive plan and design guidelines as detailed in the attached memorandum (Attachment 7).



324 **2. The resulting development provides for significant net new**  
325 **commercial square footage and allows for a mix of commercial and**  
326 **residential uses.** The proposed mixed-use project provides for 27 percent  
327 more net new commercial (existing office 64,313 square feet & proposed  
328 office/commercial/retail 88,355 square feet) while the proposed new  
329 residential development totals 193,764 square feet. The residential  
330 component consists of 200 multi-family units (condominium). The  
331 commercial includes 71,002 square feet of Class A office and 17,353  
332 square feet of ground floor commercial. This mix of uses represents a 31%  
333 commercial and 69% residential ratio

334  
335 **3. The resulting development produces substantial positive net new**  
336 **commercial and residential revenue to the city.** The City's Fiscal  
337 Impact Model shows that if the mixed-use project is developed with  
338 condominiums as the residential use, it would provide estimated net  
339 revenue of \$810,180 a year (Attachment 8). The existing site and  
340 buildings are estimated to generate \$121,897 annually in net revenues to  
341 the city. The proposed *Gateway* development is estimated to generate  
342 positive net new revenues (net, net) of \$688,283 annually being sold as  
343 condominiums. While the multi-family residential units are to be  
344 separately deeded condominiums recorded in the land records as a  
345 condominium regime, they may also be rented either individually or as a  
346 group and in that case the real estate assessment would vary some, though  
347 not significantly as compared to a rental apartment complex.

348  
349 **Secondary Criteria:**

350  
351 **1. The resulting development is not disproportionate to surrounding**  
352 **land uses and planned land uses in size, bulk, or scale.** The subject  
353 proposal is for one, five-story or 73 foot high office building fronting on  
354 N. Washington Street and one, expansive five-story residential building –  
355 both with first floor commercial/retail on the North Washington Street site  
356 frontage.. The residential building is 5-stories high at N. Washington Street  
357 on E. Jefferson Street that tapers from 5 to 4 stories and offsets (buildings  
358 broken up with varying massing and setbacks) in some portions as it  
359 approaches the abutting residential neighborhoods to the rear of the site.  
360 This multi-family residential building (Building B) directly abuts the  
361 Gresham Place townhouse neighborhood and a single family detached  
362 home along West Jefferson Street. The residential building (Building B)  
363 is designed to serve as a transitional building in terms of tapering the  
364 height as part of its design features. Parking for the uses is provided in an  
365 underground garage with six on-street parking spaces along the proposed  
366 internal Mews Street on the site.

367  
368 As the proposed development consists of two separate buildings, the  
369 density is somewhat mitigated with the provision of open space, perimeter

rear setbacks, massing, internal roadway and pedestrian pathways throughout the site. The two separate 5-story structures have a break in the block along N. Washington Street, while the buildings occupy a majority of the street frontage between Gresham Place and E. Jefferson Street with first floor commercial space for pedestrian and economic interest. The tapering of some elements of the residential building height toward E. Jefferson Street and the rear adjacent residential areas helps to transition this large scale development. The developer is also maintaining the required 20 foot setback and buffer along the rear of the site.

In addition, it is noted that the topography of the site will actually mitigate the perception of the height and the developer has noted in the application that the height will not block views of church steeples. There are several other properties along N. Washington Street, adjacent to the subject property, that have been redeveloped (5-story Westlee condos in Arlington, Va.) or approved for redevelopment (5-story/55-foot Northgate apartments across E. Jefferson Street ) with mixed uses and much higher densities than traditionally found in the city. North Washington Street is also a major corridor in the City and therefore, may be some of the more appropriate property for high density development and height. It is expected that significant community benefits, superior project design and required code height transitions will be provided in support of the special exception for the (maximum allowed special exception 30-foot bonus height) height of the proposed office building (Building A), which increases from 55 to 73 feet in maximum height.

**2. The resulting development does not overburden the existing community facilities, including the school, transportation, and water and sewer systems.**

The developer is proposing a contribution to schools to offset capital costs outlined in the current CIP at a rate comparable to other recent applications \$7,129 per for sale condominium. These contributions would total over \$1.4 million with the residential units are condos.

Traffic along N. Washington Street can be heavy and so any development along that street will contribute to the usage and congestion. However, due to the site's proximity to mass transit and pedestrian routes, it is likely that the proposed development will have less of an impact on roads than traditionally anticipated. The traffic study is currently being updated to reflect recent changes in the proposed development site and layout as the amount of commercial space and the interior vehicle circulation and site access have all changed. The previous traffic study indicated that the proposed redevelopment of the Gateway was estimated to generate an additional 260 net AM peak hour trips and 239 net additional PM hour trips (Attachment 9).

Akridge proposes to widen Gresham Place along the site boundary to provide two westbound lanes approaching N. Washington Street, designated as a shared left-through lane and a separate right turn lane. A fully functioning traffic signal has been proposed by the developer at Gresham Place and N. Washington Street. This traffic signal would serve the new development and existing Gresham Place neighborhood. The developer has proposed a \$150,000 contribution towards the traffic signal and other public improvements and this will enable the city to complete the work.

The City's Utilities Engineer indicates that water and sewer utilities are adequate and available to accommodate the proposed development. There are some stormwater pipe improvements that are needed in the vicinity of the proposed project that will need consideration by the city. Also there are a number of actions the applicant should consider in the design of the site in order to mitigate stormwater runoff and quality and meet code regulations at site plan. Currently the subject site is almost entirely impervious and all stormwater runoff is untreated. The applicant plans to provide on-site stormwater management, including filtration, where previously there has been little vegetation.

3. **The resulting development provides community benefits, such as affordable housing, as it is described in Section 38-43.** The developer is proposing a \$1.3 million cash contribution in lieu of providing units or eight (8) units or a combination of cash and units. If ADUs were provided per the City's policy, 22 units (which is 12.5% of the total number of residential units) would be expected; however, ADUs provided at a rate more commonly approved by the City in recent developments, 13 units (which is approximately 6.5% of the total number of residential units) would be expected.

In addition, the developer is proposing community benefits in the form of a \$150,000 cash contribution for public improvements - traffic signal, stream bank improvements in the immediate vicinity of Gresham Place. The developer also is providing over \$1.4 million towards school capital costs, in-kind construction of streetscape pedestrian improvements and LEED "Green Building" designs and applications. These "community benefits" should be evaluated in the context of "exemplary" project evaluation criteria associated with the special exception height bonus. To date, significant progress had been made in the negotiations regarding the level of community benefits consummate with the proposed project and special exception and rezoning impacts as is reflected in the latest *Voluntary Concessions, Community Benefits, Terms and Conditions*, dated November 2, 2010.

- 462 **4. The resulting development contributes to a vibrant, pedestrian-**  
463 **oriented environment, both on-site and in relation to adjoining**  
464 **properties, with street level activity throughout the day and evening.**  
465 The provision of streetscape along the entire project frontage will provide  
466 for a pedestrian friendly environment and connectivity to adjacent  
467 commercial areas. The street level retail uses planned along N.  
468 Washington Street in the first floor space of the Office building ( Building  
469 A) and Residential building (Building B) will encourage street level  
470 activity and pedestrian interest. Interior site connections, perimeter  
471 streetscape and improved sidewalks along Gresham Place, East Jefferson  
472 Street and North Washington Street will create a more pedestrian oriented  
473 environment.

474  
475 The development would be located on N. Washington Street within  
476 walking distance of other mixed-use projects, Broad Street and the  
477 proposed City Center, the East Falls Church Metro, Washington and Old  
478 Dominion trail, and several nearby City parks. The developer is proposing  
479 the implementation of streetscape improvements to encourage pedestrian  
480 use and provide a link to adjacent uses along and near N. Washington  
481 Street. The addition of streets right-of-way improvements along E.  
482 Jefferson Street will require some limited undergrounding of off-site  
483 overhead utilities.

- 484  
485 **5. The resulting development offers creative use of landscaping, open**  
486 **space and/or public parks, public plazas and walkways connecting to**  
487 **adjoining properties.** The proposed projects' pedestrian oriented design  
488 elements include intra-parcel pedestrian connections through the subject  
489 properties while neighbors on adjacent properties have indicated their  
490 preference to not have direct connections with the project. The frontage of  
491 the site will have a full streetscape treatment pursuant to the city's adopted  
492 N. Washington Street Streetscape Plan and the pedestrian areas along  
493 adjacent streets will receive new sidewalks and landscaping. Further  
494 efforts to improve the Four Mile Run stream corridor are encourage and  
495 the applicant's cash contribution to the city should be directed to such  
496 improvements. . The mature, existing tree buffer bordering the adjacent  
497 Gresham Place townhomes should be saved to the extent possible and  
498 labeled on all plans in a manner that the final site and grading plans  
499 accomplishes this objective.

500  
501 Within the proposed development a main street is proposed that will  
502 include landscaping and some seating to encourage pedestrian and worker  
503 use. The application proposes a public access easement would be  
504 appropriate for passing through the site and public parking in the garage  
505 during non-peak times.

506

507 **6. The resulting development provides a variety of commercial services**  
508 **and products that are attractive to and meet the needs of all city**  
509 **residents for entertainment, art, recreation, dining, retail, and an**  
510 **array of consumable goods.** At this time, commercial tenants for this  
511 project are undetermined. The first floor of the two proposed buildings  
512 (Buildings A & B) is planned for “retail” type uses along the frontage of  
513 North Washington Street in order to create a vibrant and pedestrian  
514 oriented corridor along with the adjacent new and planned mixed-use  
515 development projects that also have commercial first floor uses. Public art  
516 should be considered for the site, possibly in the large grass area at the  
517 base of the office building signature glass tower feature, for example the  
518 adjacent Westlee condo building included a new art sculpture at Four Mile  
519 Run park.

520  
521 **7. The resulting development encourages local or independent**  
522 **businesses.** The 71,002 square foot Class A office building (Building A)  
523 will most likely require a tenant from outside the city, while the 17,353  
524 square feet of ground floor commercial space in both Building A & B will  
525 provide local and neighborhood retail and service business tenant  
526 opportunities.

527  
528 **8. The resulting development provides for a reduction of single-use**  
529 **parking requirements through the use of shared parking.** The applicant  
530 is requesting lower parking requirements using both shared parking  
531 parking and transit reductions based upon their parking evaluation study.  
532 While the ability to share parking between the commercial uses is  
533 proposed, the primary reductions are associated with the use of alternative  
534 modes of transportation such as bus service, walking, proximity to  
535 METRO (approximate 10-minute walk) and bicycle use. This access to  
536 non-automotive means of transportation is a key element of this proposed  
537 development project.

538  
539 **9. The resulting development encourages multi-modal transportation**  
540 **through design and other techniques, to reduce the reliance on single-**  
541 **occupancy vehicles, and utilizes sheltered stops for mass transit**  
542 **wherever feasible.** There are existing bus stops (Metro) near the subject  
543 property; however, there are no bus shelters, other than the one recently  
544 agreed to as a development condition at the nearby Northgate project. A  
545 bus shelter could be considered depending on the bus stop’s location to the  
546 anticipated bus shelter at Northgate. More information on the secure  
547 bicycle racks briefly mentioned in the application is desired as such  
548 facilities should be incorporated into the design of the project and in  
549 locations that are attractive to residents and other users of the site.  
550 Additional amenities for those commuting to the office building via  
551 bicycle could also be incorporated, such as locker and shower facilities.  
552 Pedestrian and bicycle traffic is encouraged due to the development’s

proximity to other mixed-use projects, Broad Street and the proposed City Center, the East Falls Church Metro, Washington and Old Dominion trail, and several nearby City parks.

**10. The resulting development utilizes (Leadership in Energy and Environmental Design) LEED criteria in the design of the project.**

The proposed project is planned to be designed in an environmentally sensitive manner by using green design principals and elements. Suggested elements include green roof and solar reflective roof technologies and the rehabilitation of an environmentally damaged "brownfield site" and other typical applications such as soil and erosion control and stormwater management. Registration of the project with the U.S. Green Building Council's Leadership in Energy and Environmental Design (LEED) is needed to document the project's efforts. A LEED silver level is planned by the developer for just the office building (Building A), but staff recommends the target of "LEED Gold" level to the developer and City Council.

**Special Exception for Height Bonus**

The special exception criteria for a height bonus is provided in Section 48-455 of the city code. The special exception criteria allows for up to a 30 foot bonus in height for projects that are:

*Exemplary* in terms of conformance with the following *primary* criteria and *secondary* criteria and the *bonus shall significantly assist in conformance* in meeting *secondary* criteria and *Community Benefits and Conditions Necessary in the Public Interest* as addressed under the following:

**Primary Criteria** [(Section 48-455 (1) a. reference to Section 48-90 (d) (1)]:

- 1. The resulting development conforms with the city's adopted comprehensive plan and design guidelines.**
- 2. The resulting development provides for significant net new commercial square footage and allows for a mix of commercial and residential uses.**
- 3. The resulting development produces substantial positive net new commercial and residential revenue to the city.**

The proposed project generally meets Primary Criteria #1 and #3 above as it conforms to the city's comprehensive plan and design standards and is estimated to provide over 5 times the net revenue of the existing uses. The City's Fiscal Impact Model shows that if the mixed-use project is developed with condominiums as the residential use, it would provide estimated net

revenue of \$810,180 a year. The existing site and buildings are estimated to generate \$121,897 annually in net revenues to the city. The proposed *Gateway* development is estimated to generate positive net new revenues (net, net) of \$688,283 annually being sold as condominiums.

The Primary Criteria #2, above is met and exceeded with a significant 27 percent net increase in new commercial space square footage on site and when held to the *Exemplary* criteria. The proposed mixed-use project provides for 27 percent more net new commercial (existing office 64,313 square feet & proposed office/commercial/retail 88,355 square feet) while new residential development of 193,764 square feet is proposed. The residential component consists of 200 multi-family units (condo). The commercial includes 71,002 square feet of Class A office and 17,353 square feet of ground floor commercial. This mix of uses represents a 31% commercial and 69% residential ratio

**Secondary Criteria** [(Section 48-455 (1) a. reference to Section 48-90 (d) (2)]:

[Review these secondary criteria above starting at LINE 349, as the proposed Gateway development compatibility with the secondary criteria has been addressed in detail and indicates general conformance with the criteria].

In addition, the *height bonus shall significantly assist in the conformance* with the *Secondary Criteria* and City Council may impose conditions as deemed necessary in the public interest to ensure compliance with the provisions in **Section 48-85 Power to amend**) that represents the *Voluntary Conditions, Community Benefits , Terms and Conditions* associated with the Special Exception and Rezoning.

**Secondary Criteria** [(Section 48-455 (1) a. reference to Section 48-90 (d) (2)]:

[See reference above LINE 349]]

**Community Benefits and Conditions Necessary in the Public Interest** – reference the *Voluntary Concessions, Community Benefits, Terms and Conditions* [(Section 48-455 (1) a. reference to Section 48-90 (d) (3) then reference to Section 48-85]:

The *Voluntary Concessions, Community Benefits, Terms and Conditions*, dated November 2, 2010 provide significant public and community benefits both on and off-site including the proposed *Gateway* project buildings, improvements on site and along the perimeter public rights-of-way and off-site. Overall, the quality of the building architecture, building orientation to the street, planned high quality Class A Office space and building, reserved retail area on the street frontage of the first floor commercial area, high first floor ceilings to encourage preferred commercial uses, underground parking, green roof and planned streetscape make this office building and ground floor

commercial “exemplary” in terms of the conformance with the special exception primary and secondary criteria as previously described and the potential for preferred uses on the street frontage.

Additional requirements of Section 48-455 (1) a. - include that the height of all structures that abut an “R” district must be tapered to be compatible with the maximum heights permitted in the abutting “R” district, taking into consideration the height of existing buildings in that area. The upper stories of structures should be stepped back to be compatible with the maximum by right height permitted within the “B” district in which the structure will reside.

The adjacent Gresham Place townhomes are in a RC, cluster residence district which allows a maximum of 3-stories or 35 feet in height. The adjacent single family detached homes on E. Jefferson Street are in a R1A, low density residential district with a maximum height of the lesser, 2 ½ stories or 35 feet. The existing T-2, transitional district allows heights up to three-stories or 45 feet. The controlling (after the rezoning) B-1, limited business district has a height maximum of 4-stories or 55 feet in height.

In reviewing the conceptual plans for the proposed mixed-use development, Building B (Residential) depict a maximum 55 foot high building with 5 stories tapering down to 4 stories (adjacent to Gresham Place) and even 3 stories in some areas near Jefferson Street that generally meets the criteria. The proposed multi-family residential building is generally 5 and 4 stories compared to the 3-story Gresham Place townhouses. At a maximum of 55 feet in height this technically makes the proposed multi-family build conforming to the permitted uses under future B-1, limited business zoning. This height compatibility issue has been further addressed by the developer by moving back the residential building from the site’s minimum 20 foot rear setback to a greater setback distance. The city code requires a minimum, rear 20-foot setback which in this case is exceeded to provide more space by a combination of setbacks of 25, 30 and 100 feet for the proposed building B elements nearest the adjacent residential uses – these varying setbacks further mitigate the building height impact.

#### **Community Benefits:**

The developer has offered *Voluntary Concession, Community Benefits, Terms and Conditions* as part of the special exception and rezoning requests and supporting applications. These voluntary concessions are detailed in the latest version dated November 2, 2010 and have undergone significant negotiation, additions and revision to date. The final *Voluntary Concessions and Community Benefits*, dated November 2, 2010 are summarized below (Attachment 6):

- Affordable Housing – a cash contribution of \$1.3 million (previously \$823,780) towards Affordable housing and city option at the time of site



plan approval for eight (8) ADU units instead or a combination of units and cash per the agreement. City's choice of which option prior to site plan approval.

- Pedestrian Oriented Design Elements – construction of public streetscape along N. Washington Street per the city's adopted N. Washington Street Streetscape Plan and sidewalk and landscape improvements along E. Jefferson and Gresham Place with internal site and building design elements and improvements. Undergrounding of overhead utilities on E. Jefferson Street is included.
- Transportation Improvements – a cash contribution of \$150,000 is provided toward installation of a full traffic signal at Gresham Place and N. Washington Street and other off-site public improvements in the vicinity. The developer as part of the project is widening the street and adding a turning lane on Gresham Place. Other developer improvements may include a raised median on N. Washington Street, subject to VDOT approval.
- Stream Improvements – a cash contribution of \$150,000 towards transportation improvements above would also be available to fund stream and other water quality improvements to Four Mile Run stream the city identifies. The Office building (Building A) is to include a green roof feature and the site to use BMP's to treat stormwater.
- Underground Parking – below-grade parking is to be provided to create better pedestrian circulation and site amenities. The garage is to be constructed to permit 800 MHz radio signal transmission capabilities.
- School Capital Cost Contribution – a voluntary contribution of over \$1.4 million would be made to offset school capital cost outlined in the city's Capital Improvements Program (CIP).
- LEED – the proposed development will be designed to meet various LEED criteria and the Office building (Building A) will be LEED Silver and include a green roof and numerous other energy saving features.
- Phasing – The office building (Building A) is to be built before or completed at the same time as the residential building (Building B).
- Residential Unit Ownership – the residential building (Building B) will be multi-family condominiums and legally recorded in the land records as such.
- Street-Level Retail Uses – the developer agrees to reserve a large portion and 6,000 square feet of the street level commercial space along the N. Washington Street building frontage for only retail, restaurant and one type of service use (bank), as listed.

At this time the *Voluntary Concessions, Community Benefits, Terms and Conditions* are substantially complete and advanced at this early stage of the application and proposed development project. There may be the need for some further refinement as the proposed Gateway development project is publicly reviewed and commented on during the rezoning and special exception processes. The *Voluntary Concessions, Community Benefits, Terms and*

Conditions may also need to be edited to add various “date certain” criteria and related stipulations and terms, as needed. The document can then be revised accordingly and put into final form prior to the final public hearing and City Council action.

#### **Overall Staff Comments/Issues**

Based upon staff’s preliminary review of the application, special exception criteria, conceptual development plans and voluntary development conditions the following areas and issues need further attention and possible revisions by the developer, but first reading is recommended as these items can be addressed during the public review rezoning and special exception process and prior to second reading.

1. **Parking** – A revised parking study is needed to reflect the recent site plan and use changes. Further review is needed of the planned parking and requested reductions of parking spaces amounting to a 21 percent from city code requirements.
2. **Traffic** – A revised traffic study is underway that will address the revised July 9, 2010 and October 15, 2020 plans and use changes. Traffic impacts and circulation, as well as, planned roadway improvements will need further review and analysis as previous issues have been raised
3. **Transportation/Circulation** – There are still concerns over traffic and truck circulation that need to be fully addressed. The concept of retail on-street parking on Gresham Place will need to be discussed with area residents and more fully explored. VDOT will need to be contacted by staff to review the N. Washington Street raised median concept to prevent left turn in and out of the site.
4. **Setbacks/Landscaped Buffer Areas** – the proposed 20-foot setbacks at the rear of the property against the Gresham Place townhouses and E. Jefferson single family detached homes are provided as required. This area has many large, existing mature trees located in the area of the first 5 to 10 feet from the property boundary. These trees should be preserved, not removed, in order to maintain the current mature tree buffer present along the property boundary line. Additional landscaping and trees can be planted in the balance of the setback area as it also co-exists as a 20-foot wide buffer area.
5. **General Site Plan** – Further details and dimensions are needed for the adjacent streets and public rights-of-way to provide for adequate review by staff of planned streetscape, roadways, pedestrian areas and anticipated dedications.
6. **LEED** – the environmental sensitivity of the proposed redevelopment project is noted, however more specifics and some level of measurability is needed, particularly with the project being located adjacent to Four Mile Run stream and over 20 percent of the site in the Chesapeake Bay

Resource Protection Area (RPA). Staff would prefer LEED Gold instead of Silver, as offered for the office building (Building A).

7. **Voluntary Concessions** – Pending items requiring further consideration

- **Streetscape** area along N. Washington Street should have designated below grade vaults designed into the project area for future utility companies to use.
- **Street Level Retail Uses for N. Washington Street Frontage** - Further clarification and “rewording” is needed to make the language easily understood, as the concept and details are sound. Including limiting the square footage of banks; minimum first floor 20 foot height clearance in Building A; and restaurant venting to the roof.
- **Rental option AMI should be 60 % AMI at 20 years versus the developer offered 80% AMI for 20 years.** An example is Pearson Square affordable housing rental units at 60% AMI for 20 years.
- **Green Roof Minimum Coverage on the Office Building (Building A)** – minimum coverage should be at least 50 percent of the roof, still under review by the developer.

**Specific Staff Review Comments**

**Site Plan Comments** - Staff has completed a preliminary review of the revised *Gateway* conceptual plans, dated July 2010 and the applicant’s response letter, dated September 8, 2010 (Attachment 10). There are some specific technical and general site plan comments which the applicant will still need to address or clarify. The following is a summary of the most recent staff comments:

**Planning Division** – Special Exception/Rezoning/Development (review)

1. The 20 foot setback area along Gresham Place townhomes and E. Jefferson single family homes to the rear of the site needs to be site planned to save all the existing mature trees located outside the current brick walls, as determined by the city arborist). These trees are within the first 5 to 10 feet from the property lines and should be able to be saved as the setback is 20 feet and the required landscape buffer area is the same 20 foot area. A voluntary concession would be appropriate to cover this as well.
2. The standard required parking under the city code is 654 spaces for the proposed development project based upon the following ratios:
  - Office >1 space per 300 square feet (gross building space)
  - Retail > 1 space per 200 square feet
  - Restaurant/Café 1 space per 100 square feet[See parking chart for details (Attachment 11)]

This required parking is not being provided as various parking reductions are requested
3. The parking tabulation is not accurate if office, retail/service, and restaurant/café uses are all expected to be commercial tenants. These

uses are mentioned in various parts of the application, but not accounted for completely in the parking tabulations. The net result is that potentially there will be additional parking spaces being required as restaurant uses require more parking per square feet. Reference Special Exception Package booklet, 2 of 2.

4. The proposed Gateway project has planned 504 parking spaces which is a 21 percent reduction in parking spaces from standard city code requirements based upon their parking study. The study cites reductions in parking use ratio rates, with shared parking between commercial uses and overall reductions for alternative modes of transportation - primarily the close proximity to METRO and a predicted higher level of ridership by the future residents, office workers and shoppers.
5. Tabulation referring to *MUR Pkg. Reductions for use of Alt. Modes of Transportation* is requesting a reduction of 21% which staff believes needs further review. The Parking study needs to be updated to reflect the July 9, 2010 and October 15, 2010 conceptual plan changes.
6. The April 2010 traffic study needs to be revised and resubmitted to reflect the recent July 9, 2010 changes with the new through street on site and additional use changes and adequately address the previous City staff and City's traffic consultant comments.
7. Parking garage exhibits (Special Exception Package, Part 2 of 2, pages 12 & 13) - need dimensions and "typicals" for parking spaces and aisles for staff review purposes.
8. City needs to set up a meeting with the Gresham Place residents to discuss the concept of adding on-street parking on Gresham Place. The developer should prepare a preliminary concept drawing depicting this use for review and comment.
9. The city staff will need to contact VDOT to determine the feasibility of a raised median on N. Washington Street to prevent turns left turns in and out across the centerline. The developer should provide basic conceptual drawings to graphically depict the concept.
10. The general site plan (Special Exception Package 2 of 2 , page 5) needs further dimensions that clearly depict all streets, curbs, and right-of ways to determine dedications needed and streetscape and pedestrian improvements.
11. The first floor retail frontage for the residential building (Building B) (see Special Exception Package, Part 2 of 2, page 15) has limited window space due to the topography. Alternative architectural features like display window cases or other treatments are needed instead of a blank concrete wall for more that 50 percent of the frontage.
12. The *Voluntary Concessions, Community Benefits, Terms and Conditions*, dated November 2, 2010, while developed in consultation with staff and the City Council's Economic Development Committee (EDC) may require further review and comments that and can take place during the public review process.

874  
875 Planning Division – Comprehensive Planning (review)

- 876 1. The proposed mixed-use project is consistent with the city's adopted  
877 comprehensive plan and general land use goals. Primary issue that has  
878 been addressed by the Developer is mitigating the impact on the  
879 adjacent residential neighborhoods and adjacent Four Mile Run stream.  
880 2. Specific design guidelines for the North Washington Street corridor are  
881 identified in the latest adopted 2005 Comprehensive Plan. These  
882 include lot consolidation, pedestrian-oriented development, creation of  
883 urban parks, public plazas, gateway, protection adjacent residential  
884 neighborhoods, underground parking, pedestrian linkages to Metro and  
885 City Center, streetscape, architectural quality and compatibility and  
886 environmental sensitivity.  
887 3. Specific goals and strategies related to this site are identified and listed.  
888 They include the percentage of commercial development, protection of  
889 the adjacent residential neighborhoods, traffic and transportation  
890 issues, and the protection of the adjacent Four Mile Run stream.  
891 4. See attached memorandum from W. Block Sanford, dated September  
892 22, 2010 (Attachment 7).  
893

894 Planning Division – Transportation (review) (ghf)

- 895 1. Applicant will need to provide further information on estimated  
896 parking reduction for each alternative transportation mode to justify  
897 consideration of a 21% overall parking reduction.  
898 2. The City's traffic signal proposed at the intersection of N. Washington  
899 Street and Gresham Place may require further evaluation, while  
900 adequate funding has been secured..  
901 3. The Developer has agreed to use the City's adopted streetscape design  
902 for N. Washington Street.  
903 4. The installation of a bus stop should be considered depending on the  
904 bus stop locations. Currently, a bus stop shelter is planned with the  
905 adjacent Northgate project.  
906 5. The project should provide further details for the designate areas for  
907 bicycle racks for visitors and internal bicycle storage for workers and  
908 residents.  
909 6. An updated traffic study is required due to the July 9, 2010 and  
910 October 15, 2010 plan revisions that affected traffic circulation and  
911 user sizes.  
912

913 City Arborist

- 914 1. Reviewed (2010) and have no comments:  
915

916 In 2007 the City Arborist had these additional comments (updated by  
917 Planning Staff per latest plans)...

- 918 2. A 20-foot wide buffer area is required between the residentially zoned  
919 adjacent properties to the rear of the site – this is also the 20 foot

building setback. This 20-foot setback has been accommodated under the latest proposed plans.

3. A conceptual perimeter landscaped buffer area plan should be developed at this time. The required 20-foot buffer adjacent to residential district requires a minimum 10 foot landscape screening element within the buffer.
4. A portion of the required buffer is located in the Chesapeake Bay resource protection area (RPA). This buffer is considered a riparian buffer and improves the water quality with its vegetative area. No hardscape elements or impervious surfaces should be included in this buffer area in the RPA.
5. There is a lot of opportunity to design this project with Low Impact Development techniques (LID). The proximity to the open Four Mile Run stream and Crossman Park and its ecologically sensitive RPA area provides opportunities to improve the adjacent park and maintenance associated with invasive plants.
6. A new "conceptual" streetscape design and layout for the N. Washington Street corridor has been developed. The developer is now offering to build streetscape along the frontage of the project that reflects this new design.
7. The streetscape concept should also be continued along E. Jefferson Street and Gresham Place to enhance your project and the immediate public area.
8. See memorandum from J. Spence, dated September 7, 2007 (Attachment 12).

#### Housing Division

2. The developer has provided an option that supports the Housing staff continued preference for units, versus cash. Recent special exception projects have yielded 6 to 6.5 percent ADUs or up to 13 units based on the size of this proposed project.

#### Fire Marshal (Arlington County)

1. Indicated a fire lane is required for the mews street, internal to the development. Will it support fire apparatus?
2. What is the construction type? Type 5 may require additional fire apparatus access to rear building or NFPA 13 system.

#### Zoning Administrator

2. Architectural Advisory Board (AAB) review is required.
3. Required parking indicates a shortfall. Overall 642 spaces are required and 504 are proposed that results in a shortfall of 138 spaces or a 21 percent reduction.
4. Residential parking spaces must be dedicated and not subject for sharing with other commercial uses.

5. While support columns are allowed to some extent to occupy parking spaces in parking structures their intrusion into these parking spaces has been problematic. The applicant is urged to engineer the parking garage such that no columns are necessary within the parking spaces.
6. Confirm loading spaces have vertical clearance free of obstructions to at least 15 feet at site plan.
7. Consider extending the underground parking structure toward the rear of the site to create the potential for additional parking. This would need to be balanced with tree preservation and not regrading the last 5 to 10 feet of the perimeter of the site.
8. A landscape buffer/screen of 10-feet in width is required within the 20 foot setback area.
9. Provide the methodology used for measuring the building heights. Height must be measured from the lower of the finished or existing grade.
10. Confirm that no transformers are located in a yard abutting a street?
11. The B-1 (subject to rezoning) allows setbacks – Street frontage setbacks are 14 feet as measures from face of curb and abutting a residential district to the rear of the site requires a 20 foot setback.
12. The locations of the property lines and proposed curb are unclear at several points when comparing page 7 and the RPA map of the submission
13. In order to evaluate the parking tabulations and requirement, more information is needed on the intended uses for the ground level commercial space. For example, uses suggested in some of the application text such a restaurants/café and some services uses require more parking than retail or office type uses.
14. See memorandum from J. Boyle, dated October 18, 2010 for further comments and details (Attachment 13).

#### Public Utilities Division

1. Adequate water and sanitary sewer is available for this project.
2. See memorandum from R. Collins, dated April 20, 2010 for further details (Attachment 14).

#### Engineering

1. The location of the commercial entrance from Gresham Place is acceptable; however the internal mews street garage access is not likely to meet stacking requirements and VDOT standards for access off of N. Washington Street.
2. The turning radii for N. Washington Street entrance is problematic, particularly for trucks and is not acceptable as presented in the conceptual plans.
3. Streetscape areas cannot be encroached upon by building features including steps, landings, and integrated planters etc.

- 1010 4. See memorandum from B. Hicks, dated October 7, 2010 for further  
1011 items and details (Attachment 15).

1012  
1013 Chesapeake Bay Interdisciplinary Review Team (CBIRT)

- 1014 1. The Chesapeake Bay Ordinance classifies the northern quarter of the  
1015 property (nearest the stream) as a Resource Protection Area (RPA) as  
1016 being within 100 feet of the bank of Four Mile Run stream.  
1017 2. While the existing site is mostly impervious surface, since it is greater  
1018 than 50 percent impervious, the Ordinance requires that the applicant  
1019 reduce the post-development pollutant load of the site by 10 percent,  
1020 which will require a water quality BMP(s).  
1021 3. The complete redevelopment of the site provides the opportunity to  
1022 incorporate Low Impact Development (LID) practices to retain a  
1023 significant portion of the stormwater.  
1024 4. There are a number of actions the applicant should consider in the  
1025 design of the site in order to mitigate stormwater runoff and quality.  
1026 5. See memorandum from CBIRT team, dated August 20, 2007 for  
1027 further details (Attachment 16).

1028  
1029 A summary of the developers September 8, 2010 response to staff comments  
1030 dated May 20, 2010 (not the recent July 9, 2010 plan review staff comments  
1031 above) are attached for your information and background. This letter from the  
1032 developer documents through their responses the progression of the project in  
1033 2010 in terms of site plan and technical issues being addressed (Attachment  
1034 10).

1035  
1036 The city recently received new revised application materials that included the  
1037 Rezoning & Special Exception Package (Part 1 of 2) and Special Exception  
1038 Package (Part 2 of 2), dated October 15, 2010 (Attachments 1 & 2). These  
1039 October 15, 2010 versions had few technical and layout changes from the July  
1040 9, 2010 reviewed version so the staff comments are current, however staff will  
1041 complete a review of the revised documents and comment during the public  
1042 review process for both Planning Commission and City Council consideration.

1043  
1044 **Public Comments:**

1045 The Gresham Place Association has met with the developer several times since  
1046 2006 in community meetings or hosted meetings with the developer like on  
1047 July 16, 2008 and since. The discussions between the developer and Gresham  
1048 Place residents have been comprehensive and numerous issues were raised.  
1049 Most of these issues have been addressed by the developer and their direct and  
1050 significant changes to the buildings uses and heights and locations, the entire  
1051 site layout and locations of features. An email dated October 5, 2009 from the  
1052 Gresham Place Association listed several pending issues regarding buffers,  
1053 loading dock and traffic (Attachment 17) A subsequent letter from the  
1054 Gresham Place Association, undated but referencing July 2010) indicates its  
1055 support for the Falls Church Gateway project based on its understanding of its



issues having been adequately addressed under the July 9, 2010 *Special Exception Package* and related plan revisions (Attachment 18).

The Jefferson Street neighborhood has also participated in community and individual meetings and provided comments over the past several years. A meeting is currently being planned by the developer with the neighborhood and is scheduled on Tuesday, November 9, 2010 at the home of Mona Johnson.

**FISCAL IMPACT:**

The City's Fiscal Impact model estimates the proposed Gateway project, developed as condominiums would generate \$810,180 in net annual revenue after deducting service costs. See Development Program # 4 in the attached table for this scenario and estimated net revenues (Attachment 8). The existing site and three office buildings are estimated to generate \$121,897 in net annual revenues to the city. The net, net (future project minus existing land uses) is estimated to be \$688,283 annually.

**TIMING:**

On November 8, 2010, City Council formally referred to boards and commissions for comment Ordinance (TO10-15) and Resolution (TR10-34) with second reading and public hearing scheduled for January 24, 2011

**Attachments**

1. Falls Church Gateway Special Exception Package, Part 1 of 2, dated October 15, 2010
2. Falls Church Gateway, Special Exception Package, Part 2 of 2, dated October 15, 2010.
3. Falls Church Gateway – Project Timeline, undated
4. Revised Parking Tabulations, dated July 9, 2010
5. Falls Church Gateway – September 23, 2009 Meeting Notes (Gresham Place Association.)
6. Falls Church Gateway, *Voluntary Concessions, Community Benefits, Terms and Conditions*, dated November 2, 2010
7. Memorandum from W. Block Sanford, dated September 22, 2010
8. Fiscal Impact – Gateway Scenarios , dated August 26, 2010
9. Falls Church Gateway Traffic Impact Analysis, dated April 9, 2010
10. Letter from M. Gill, dated September 8, 2010
11. Parking Chart, dated November 2, 2010
12. Memorandum from J. Spence, dated September 7, 2007
13. Memorandum from J. Boyle, dated October 18, 2010
14. Memorandum from R. Collins, dated April 20, 2010
15. Memorandum from B. Hicks, dated October 7, 2010
16. Memorandum from CBIRT, dated August 20, 2007

- 1102 17. Email from J. Tooren of then Gresham HOA, dated October 5, 2009
- 1103 18. Letter from J. Tooren, President Gresham Place Assoc., July 2010
- 1104 19. Certified Plat – Boundary and Topographic Survey for Rezoning
- 1105
- 1106

(TO10-15)

AN ORDINANCE TO AMEND THE OFFICIAL ZONING DISTRICT MAP OF THE CITY OF FALLS CHURCH, VIRGINIA, BY REZONING APPROXIMATELY 2.6 ACRES OF LAND FROM T-2, TRANSITIONAL DISTRICT TO B-1, LIMITED BUSINESS DISTRICT FOR THE PROPERTY AT 500, 510 & 520 NORTH WASHINGTON STREET, REAL PROPERTY CODE NUMBER 53-101-070, BY FALLS CHURCH GATEWAY, LLC.

THE CITY OF FALLS CHURCH HEREBY ORDAINS THAT the Official Zoning District Map of the City of Falls Church, Virginia, be amended upon application of Falls Church Gateway, LLC by rezoning of the following described property from T-2, Transitional District, to B-1 Limited Business District, to be developed only in accordance with the associated Special Exception under TR10-34, approved by the City Council on January 24, 2011,

Description of the property to be rezoned from T-2 to B-1:

Description of Property of Falls Church Gateway, LLC recorded in Deed Book 3909 at Page 1454, (Arlington County Land Records), City of Falls Church, Virginia:

Written Metes & Bounds Description of the Property

"Beginning at a point in the easterly right-of-way line of East Jefferson Street, bearing N 32°27'00" W ~ 95.98 feet and N 57°33'00" E ~ 5.00 feet from the southwest corner of parcel "B" Gateway Plaza. Thence with the right-of-way line of East Jefferson Street N 32°27'00" W ~ 243.91', N 58°23'50" E ~ 6.06', and N 18°17'20" W ~ 6.20' to a point on the southerly right-of-way line of North Washington Street; thence running with North Washington Street along the arc of a curve to the left whose radius is 1185.82 feet, and has a chord bearing N 52°06'56" E ~ 205.30 feet, a distance of 205.56 feet and N 47°09'00" E ~ 149.51 feet to a point on the westerly right of way line of Gresham Place, thence running with Gresham Place S 38°21'15" E ~ 321.36' to a point in the northerly line of parcel "C", section two, Gresham Place Subdivision, thence running with the line of section two, Gresham Place in part and continuing with lot 1, Kohlmer subdivision S 47°11'30" W ~ 259.64' to a point; a corner common to parcel "B", Gateway Plaza. Thence running with the line of parcel "B" N 42°48'30" W ~ 71.24' and S 57°33'00" W ~ 123.84' to the point of beginning and containing 112,765 square feet or 2.5887 acres of land.

1st Reading:

2nd Reading:

(TO10-15)

A RESOLUTION TO GRANT SPECIAL EXCEPTIONS FOR  
RESIDENTIAL USE WITHIN A MIXED USE DEVELOPMENT AND  
HEIGHT BONUS FOR A OFFICE/COMMERCIAL BUILDING ON  
THE APPROXIMATELY 2.6 ACRE SITE AT 500, 510 & 520 NORTH  
WASHINGTON STREET, REAL PROPERTY CODE NUMBER 53-101-  
070, FOR A MIXED USE DEVELOPMENT KNOWN AS THE "FALLS  
CHURCH GATEWAY" BY FALLS CHURCH GATEWAY, LLC

WHEREAS, on May 12, 2003, City Council adopted Ordinance 1734, which amended  
Chapter 38 (now Chapter 48), "Zoning", of the Code of the City of Falls  
Church to amend the special exception process within the business districts  
to allow for appropriate mixed-uses and additional height bonuses by special  
exception; and

WHEREAS, an application for two special exceptions has been submitted by Falls  
Church Gateway, LLC (the Developer) pursuant to Section 48-455 (in  
conformance with the procedure set forth in Section 48-90 of the City Code;  
and

WHEREAS, the application would allow the redevelopment of approximately 2.6 acres  
on North Washington Street as a mixed use development as envisioned in  
the Adopted 2005 Comprehensive Plan and Future Land Use Map "Mixed  
Use" designation; and

WHEREAS, the proposed site of the "Falls Church Gateway" currently consists of three  
office buildings built in 1984 totaling approximately 64,313 square feet and  
served by surface parking; and

WHEREAS, the application is requesting special exceptions for residential uses within a  
mixed use development to allow 200 multi-family residential units in a  
commercial B-1 business district and a height bonus for a new office  
building with first floor commercial to be 73 feet high instead of the  
maximum 55 feet as allowed in the B-1, business district; and

WHEREAS, said application would allow the overall development of approximately 2.6  
acres of land as new Class A office space (Building A) of 71,002 square feet  
with a height of 73 feet, and approximately 12,270 square feet of first floor  
commercial space with a minimum of 4,000 square feet along the N.  
Washington Street frontage reserved for retail uses, a maximum of 200  
multi-family unit residential building (Building B) with a minimum of  
5,083 square feet of commercial on the first floor of which a minimum of  
2,000 square feet along the N. Washington Street frontage is reserved for

1198 retail uses, as well as, parking for the development is primarily provided for  
1199 in an underground parking garage; and

1200

1201 WHEREAS, in order to achieve the development as proposed, the application requests  
1202 special exceptions for residential uses within a mixed use development and a  
1203 height bonus for a Office/Commercial Building as described and shown on  
1204 "Falls Church Gateway 500-520 N. Washington Street, City of Falls  
1205 Church, Virginia, Special Exception Package, Part 1 of 2 (the Application)  
1206 revised and dated October 15, 2010, and Conceptual Development, Plan Part  
1207 2 of 2 (the Plan) revised and dated October 15, 2010; and

1208

1209 WHEREAS, the request for the special exceptions has also been referred to various  
1210 boards, commissions, and community business organizations for comment;  
1211 and

1212

1213 WHEREAS, the application for the special exception has been referred to the Planning  
1214 Commission which conducted public hearings and made a recommendation  
1215 to the City Council and this recommendation has been received and  
1216 considered; and

1217

1218 WHEREAS, City Council has duly advertised and conducted public hearings to receive  
1219 public comment on the requested special exceptions and a public hearing  
1220 was held on January 24, 2011; and

1221

1222 WHEREAS, City Council has considered the application, requirements of Section 48-90  
1223 of the City Code, the recommendation of the Planning Commission,  
1224 comments from boards and commissions, and public comments; and

1225

1226 WHEREAS, City Council considered the subject properties' unique characteristics and  
1227 the community benefits derived as a result of the proposed development, and  
1228 determined that this particular project is acceptable for this subject parcel at  
1229 this time, with the understanding that a similar project might not be  
1230 appropriate on other parcels; and

1231

1232 WHEREAS, City Council considered state law regarding special exceptions, specifically,  
1233 that special exceptions may be granted by the local governing body subject  
1234 to conditions pursuant to Code of Virginia Sec. 15.2-2286(A)(3) that allows  
1235 their issuance "under suitable regulations and safeguards" and that each  
1236 special exception case shall rest on its own merits and the uniqueness of  
1237 each piece of land; and in particular, that the ratio of commercial and  
1238 residential uses approved herein are unique to this site; and

1239

1240 WHEREAS, City Council also considered the public interest in improving the subject  
1241 property as part of overall economic development efforts to stimulate  
1242 commercial redevelopment and enhance the commercial tax base to  
1243 support City services; and

1244  
1245 WHEREAS, the Developer has submitted the “Voluntary Concessions, Community  
1246 Benefits, Terms and Conditions” dated November 2, 2010 to the City in  
1247 order to further insure consistency with the City of Falls Church’s Adopted  
1248 Comprehensive Plan and policies, including the affordable housing, design  
1249 and streetscape policies, as well as, community objectives to mitigate  
1250 traffic, school capital costs, encourage mass transit usage; and  
1251 environmental stewardship; and  
1252

1253 WHEREAS, City Council finds that the proposed project has met all the primary  
1254 criteria as listed in Section 48-90 (d), (1) a. of the Falls Church City Code  
1255 as follows: 1) that the resulting development conforms with the City’s  
1256 adopted Comprehensive Plan and Design Guidelines; 2) that the resulting  
1257 development provides for significant net new commercial square footage;  
1258 and 3) that the resulting development provides substantial positive net new  
1259 commercial revenue to the City; and  
1260

1261 WHEREAS, City Council finds that the secondary criteria as listed in Section 48-90 (d),  
1262 (2) of the City Code has also been met substantially, specifically the  
1263 resulting development is not disproportionate to surrounding land uses and  
1264 planned land uses in size, bulk, or scale; does not overburden the existing  
1265 community facilities, including the school, transportation, and water and  
1266 sewer systems; provides community benefits, such as affordable housing;  
1267 contributes to a vibrant, pedestrian-oriented environment, both on-site and  
1268 in relation to adjoining properties, with street level activity throughout the  
1269 day and evening; offers creative use of landscaping, open space and/or  
1270 public parks, and walkways connecting to adjoining properties; provides a  
1271 variety of commercial services and products that are attractive to and meet  
1272 the needs of all city residents for entertainment, art, recreation, dining,  
1273 retail, and an array of consumable goods; encourages local or independent  
1274 businesses, provides for a reduction of single-use parking requirements  
1275 through the use of shared parking, encourages multi-modal transportation  
1276 through design and other techniques, to reduce the reliance on single-  
1277 occupancy vehicles, supports vicinity sheltered stops for mass transit  
1278 whenever feasible, and the development utilizes LEED criteria in the  
1279 design of the project.  
1280

1281 NOW, THEREFORE, in consideration whereof, pursuant to Section 48-455 of the Falls  
1282 Church City Code, it is hereby RESOLVED by the Council of the City of  
1283 Falls Church, Virginia, that Special Exceptions for allowing residential  
1284 uses within a mixed use development and a height bonus for an  
1285 office/commercial building is hereby granted and approved, subject to the  
1286 following conditions:  
1287

- 1288 1. The Developer’s Voluntary Concessions, Community Benefits, Terms  
1289 and Conditions dated November 2, 2010 is incorporated herein by

reference and marked as Exhibit No. 1; all the terms and conditions thereof shall be a condition for the issuance and approval of the Special Exceptions; and the City Manager is hereby authorized and directed to execute the Developer's Voluntary Concessions, Community Benefits, Terms and Conditions on behalf of the City.

2. The development of the site shall generally be in accordance with the Application and Plans dated October 15, 2010, with quality architectural finishes , as shown.
3. The designation of affordable dwelling units, as set forth in the Developer's Voluntary Concessions, Community Benefits, Terms and Conditions, dated October 15, 2010.
3. Construction of this project shall commence within three (3) years from date of adoption of this resolution.
4. Violation of any of the conditions of this special exception shall be grounds for revocation of the special exception by City Council.

Referral:  
(TR10-34)